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this removal and pursuant to 28 U.S.C. § 1446, Defendants state as follows:

1.

The Complaint in this action was filed in the Circuit Court of the 20th Judicial Circuit in and for Davidson County, Tennessee, on or about April 18, 2019, and was served on the registered agent for all Defendants on April 24, 2019. A copy of the Summons (three in total) and Complaint are attached collectively hereto as “**Exhibit A.**”

2.

The District Courts of the United States have original jurisdiction over this civil action is provided in 28 U.S.C. § 1332. This action is one over which this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1446. Under 28 U.S.C. § 1332, this Court has jurisdiction abased upon complete diversity as follows:

a) Plaintiff Sharita Henderson has citizenship in the State of Tennessee (see Complaint ¶ 1).

b) Defendant Waffle House, Inc. is a corporation organized under the laws of the State of Georgia, with its principal place of business in Gwinnett County, Georgia. (see Defendants’ Third-Party Complaint ¶ 5).

c) Defendant WH Capital, LLC is a limited liability company organized under the laws of the State of Georgia, with its principal place of business in Gwinnett County, Georgia. (see Defendants’ Third-Party

Complaint ¶ 6).

d) Defendant Mid South Waffles, Inc. is a Georgia corporation with a domicile and principal place of business in Gwinnett County, Georgia. (see Defendants' Third-Party Complaint ¶ 7).

e) Concurrent with their Answer, and ant to Tenn. R. Civ. P. 14.01, Defendants have filed a Third-Party Complaint against Jeffrey Reinking as a necessary defendant who is potentially liable for some or all of the damages alleged by Plaintiff. While Defendants have not yet achieved service of the Summons and Third-Party Complaint upon Mr. Reinking—Defendants filed their Answer and Third-Party Complaint with the Clerk of the Davidson County Circuit Court on May 24, 2019—the inclusion of Mr. Reinking in this action will not destroy complete diversity, as Mr. Reinking is a citizen of the State of Illinois. (see Defendants' Third-Party Complaint ¶ 8).

f) The amount in controversy exceeds the minimum required sum of \$75,000.00, exclusive of interest and costs. In her Complaint, Plaintiff is seeking “compensatory damages...not to exceed \$25,000,000.00,” punitive damages, and that the Court rule that Tennessee’s cap on non-economic and punitive damages be ruled unconstitutional, potentially entitling her to yet additional relief. (see Complaint ¶¶ 46-48, Prayer for Relief in Complaint ¶¶ 3-4).

3.

Under the provisions of 28 U.S.C. § 1441, the right exists to remove this action from Circuit Court of the 20th Judicial Circuit in and for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division, which embraces the place where this action is pending.

4.

This Notice of Removal is filed within 30 days after service of the Complaint on Defendant, as required by 28 U.S.C. § 1446(b).

5.

Pursuant to 28 U.S.C. § 1446(b), all Defendants agree to removal of this action and therefore removal is appropriate. Defendants have provided notice of both this action and removal of the action from Circuit Court of the 20th Judicial Circuit, Fifth Division, in and for Davidson County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division, to Mr. Jeffrey Reinking, who has not yet been served with summons and third-party complaint in this action.

6.

Pursuant to 28 U.S.C. § 1446(a), the following documents are attached hereto:

a) A copy of the Complaint and summonses are attached hereto as "Exhibit A."

b) A copy of the Notice of Filing of Removal filed in the Davidson County Circuit Court is attached hereto as "Exhibit B."

c) A Civil Cover Sheet is attached hereto as "Exhibit C."

d) A Notice of Appearance is attached hereto as "Exhibit D."

WHEREFORE, Defendants respectfully request that this action now pending before the Circuit Court of the 20th Judicial Circuit in and for Davidson County, Tennessee be removed to this Court.

Respectfully submitted this the 24th day of May, 2019.

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Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all parties in the foregoing matter with a copy of NOTICE OF REMOVAL BY DEFENDANTS WAFFLE HOUSE, INC., WH CAPITAL, LLC, AND MID SOUTH WAFFLES, INC., by depositing a copy of same in the United States Mail with postage properly affixed thereon addressed as follows:

Philip N. Elbert, Esq.
Jeffrey A. Zager, Esq.
Benjamin C. Aaron, Esq.
NEAL & HARWELL, PLC
1201 Demonbreun Street, Suite 1000
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James S. Higgins, Esq.
Carrie Labrec, Esq.
THE HIGGINS FIRM, PLLC
525 4th Avenue South
Nashville, Tennessee 37210

This 24th day of May, 2019.



William R. Johnson